

**REMARKS**

Prior to entry of this amendment, claims 1-31 are currently pending in the subject application. Claims 1-6 and 18-23 have been withdrawn. Claims 7-17 and 24-31 remain pending. Claims 7 and 24 are independent.

In the outstanding Office action dated August 30, 2005, the Examiner placed a formal restriction requirement on the subject application, indicating the presence of two separate and distinct inventions, directed to:

- Group I:                      Claims 1-6 and 18-23; and  
Group II:                     Claims 7-18 [sic] and 24-31.

Applicants hereby elect Group II with traverse. In particular, the present invention relates to a FBAR and a duplexer that are easily fabricated through a simple securing process. If the FBAR and the duplexer claimed in Group I are fabricated by using a sacrificial layer as suggested by the Examiner, a via hole would be needed and the sacrificial layer would have to be etched through the via hole. Such a method would also require formation of an air gap by etching and then closing the via hole to prevent foreign substances from entering a chip. However, when the FBAR and the duplexer of Group I are fabricated through the securing processes of Group II, the processes of forming a via hole and closing the via hole are not required. Accordingly, the apparatus of Group I can be fabricated through only the process of Group II.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

A first action on the merits is eagerly awaited.

Respectfully submitted,

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PETITION and  
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.